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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/383,038	08/25/1999	CHARLES B. SCHNAREL	3382-51792	6021

7590

02/27/2003

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EXAMINER

SAX, STEVEN PAUL

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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Office Action Summary

Application No.

091383038

Applicant(s)

Schward et al

Examiner

Sax

Group Art Unit

2174

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

3-

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

9/3/02

- ☒ Responsive to communication(s) filed on _____
- ☒ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

1, 3-6, 8, 12-21

- ☒ Claim(s) _____ is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

13

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Art Unit: 2174

DETAILED ACTION

1. This application has been examined. The amendment filed 9/3/02 has been entered.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1, 3-6, 8 and 12-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Bayless et al (6192118 B1).
4. Regarding claim 1, note in Bayless et al: Figure 6, Figure 14, column 2 lines 3-8, 15-20, and 53-63. Note the visual user interface for a telephony device with a screen display. This has a display screen with an application program selection area (Figure 6 and column 12 lines 58-65) including controls, a call slip user interface for telephone line state information (column 2 lines 37-45 for example), a user input device to select display elements (column 9 lines 7-10), and a customizable area (Figure 18, Figures 30-31, column 19 lines 25-46). The customizable area includes a data/time pane (Figure 18 and Figure 34), the branding pane (Figures 30-31 show pane

Art Unit: 2174

windows selected off the customizable area which customize the individual directory and show brand graphics), a message pane for displaying email, answering machine or FAX messages (Figure 34, column 24 lines 40-64), and a task pane (Figure 18) for enabling a user to select an online directory (column 19 lines 27-39, column 17 lines 30-36) and an email service (column 12 lines 54-65), or a speed dial or notetaking service (Figure 18).

6. Regarding claim 3, as shown above in Figures 18 and 34, the customizable areas have interface panes that display user elements of a corresponding application program.

7. Regarding claim 4, see Figure 34 and column 24 lines 40-64. The message usage pane shows interface elements depicting the type of message.

8. Regarding claims 5-6, the icons in the message pane reflect the status such as that the message was received. See column 2 lines 58-62, column 25 lines 40-50. These icons are user interface controls and initiate a message viewer. See column 25 lines 12-15.

Art Unit: 2174

9. Regarding claim 8, this shows the same features as above and is rejected for the same reasons.
10. Regarding claims 12-21, these show the same features as above and are rejected for the same reasons. Note that the programming shell structure is mentioned as well as being implicit. See column 9 lines 37-41 and column 11 lines 30-32 and 46-54.
11. Regarding claim 22, note again the email element (Figure 34, column 24 lines 40-64).
12. Regarding claim 23, note again the branding pane area (Figures 30-31 as explained in paragraph 4 of this Office Action).
13. Regarding claims 24-27, see again lines 6-8 of paragraph 4 of this Office Action and note those features are described in Bayless et al and are rejected for the same reasons.
14. Regarding claim 28, state changes are communicated and information is accordingly updated (column 26 lines 37-65 for example).
15. Claims 29-45 show the same features as above and are rejected for the same reasons.

Art Unit: 2174

16. Applicant's arguments filed have been fully considered but they are not persuasive.

Applicants' arguments center on whether Bayless in fact shows the customizable area. Note in fact that Bayless shows this in the aforecited passages. Look for example in column 19 lines 25-46. The custom user interface module in fact provides functionality for customizing the user interface, via the programming interface. The online and email service are shown in the aforecited passages as shown above. Examiner attempted to reach applicants' representative, and the invitation is extended likewise to contact examiner at 703-305-9582 to discuss claim interpretation and the art.

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2174

18. Any inquiry concerning this communication should be directed to Steve Sax at telephone number (703) 305-9582.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Sax whose telephone number is (703) 305-9582. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238	After Final Communication
(703) 746-7239	Official Communication
(703) 746-7420	For Status Inquiries, draft communication

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Steve Sax, A.U. 2174
STEVEN SAX
PRIMARY EXAMINER